

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

VUILLE Roman
55, avenue Nestlé
CH-1800 Vevey
SUISSE

Dr Strass ! 24 SEP 2001

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

20.09.2001

Applicant's or agent's file reference

NO 6622/WO 80310 WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP00/06362

International filing date (day/month/year)
05/07/2000

Priority date (day/month/year)
06/07/1999

Applicant

SOCIETE DES PRODUITS NESTLE S.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized officer

Götz, K

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference NO 6622/WO	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) FOR FURTHER ACTION	
International application No. PCT/EP00/06362	International filing date (day/month/year) 05/07/2000	Priority date (day/month/year) 06/07/1999
International Patent Classification (IPC) or national classification and IPC A23J3/08		
Applicant SOCIETE DES PRODUITS NESTLE S.A. et al.		
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 8 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheets.		
3. This report contains indications relating to the following items: <div style="margin-left: 40px;"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application </div>		
Date of submission of the demand 05/02/2001	Date of completion of this report 20.09.2001	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Rinaldi, F Telephone No. +49 89 2399 7360	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/06362

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-10 as originally filed

Claims, No.:

1-29 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/06362

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:
see separate sheet

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 1-25, as filed with letter of 27.06.2001 and claims 22-29 as internationally filed with respect to industrial applicability.

because:

- ☒ the said international application, or the said claims Nos. 22-29 as internationally filed relate to the following subject matter which does not require an international preliminary examination (*specify*):
see separate sheet
- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-25 as amended with letter of June 27, 2001 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1,2,5,8,9,12,15,16,21,29
	No:	Claims	3,4,6,7,10,11,13,14,17-20,22-28
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-29

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/06362

Industrial applicability (IA) Yes: Claims 1-21
 No: Claims

2. Citations and explanations
 see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item I

Basis of the report

- 1 Amended claim 1 has been found to be so unclear, that no meaningful report on novelty, inventive step and industrial applicability could be expressed on said amended set of claims (claims 1-25) as filed with letter of 27.06.2001 (Art.6 PCT). Amended claim 1 is now directed to compositions that can comprise:
 - 10% of its energy from a protein source and
 - 95% of its energy from a carbohydrate source.Obviously such compositions do not exist and cannot be compared with products of the state of the art.
- 2 Therefore it has been chosen to carry out examination on the basis of the set of claims as internationally filed.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Additionally, claims 22-29 as internationally filed relate to a dietary compound and thus to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Accordingly, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Art.34(4)(a)(i) PCT).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 For the assessment of claims 22-29 as internationally filed on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States (see also Item III of the present written opinion).

- 1.1 The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.
- 1.2 For the purpose of issuing the present IPER, claims 22 and 29 as internationally filed are interpreted as: use of a composition according to claim 1 as internationally filed for the manufacture of a product providing nutrition to a patient suffering from dysphagia or providing supplemental nutrition to a child respectively.
- 2 Reference is made to the following documents:
 - D1: US-A-4 720 390 (BÄCHLER ET AL.) 19 January 1988 (1988-01-19)
 - D2: US-A-4 919 958 (KADAN ET AL.) 24 April 1990 (1990-04-24)
 - D3: EP-A-0 129 346 (LAND O'LAKES INC.) 27 December 1984 (1984-12-27)
 - D4: US-A-4 362 761 (CHANG ET AL.) 7 December 1982 (1982-12-07)
 - D5: EP-A-0 371 659 (SANWA CHEMICAL LABORATORY) 6 June 1990 (1990-06-06)
- 3 All the following considerations refer to the set of claims as internationally filed.
- 4 The subject matter of independent product claims 1, 9 and 16, thereof depending claims 2, 5, 8, 12, 15 and 21 and second medical use claim 29 (see also item V 1.2 of the present IPER) does not fulfil the requirements of Art.33(2) PCT.
 - 4.1 D1 discloses in Example 9 a clear gelled product comprising whey protein and raspberry syrup. As known to the man skilled in the art and as is readily verifiable by aid of food composition tables (Souci-Fachmann-Kraut), raspberry syrup contains sugar, vitamins (B1, B2, B6 and C) and minerals (K, Mg, Ca). Said disclosure is considered to anticipate the subject-matter of present claims 1-2, 5, 8-9, 12, 15-16 and 21.
 - 4.2 D2 discloses gelled compositions comprising whey protein (claim 1, see also claims 4-6) and carbohydrate sources such as rice flour, wherein minerals and vitamins are added according to the nutritional needs of infants and children (col.2 l.26 and col.4 l.5-8). Said disclosures anticipate the subject-matter of present claims 1 and 29.

- 4.3 Claims 23 and 28 in D3 disclose gelled products comprising whey protein, sugar, salt and corn oil, which implicitly comprises vitamins such as tocopherols. Said disclosures anticipate the subject-matter of present claim 1.
- 4.4 D4 discloses in Example 3 a gelled product comprising whey protein, sucrose and cocoa powder. As known to the man skilled in the art and as is readily verifiable by aid of food composition tables (Souci-Fachmann-Kraut), cocoa powder contains vitamins (folic acid, biotin) and minerals (Mg, Ca, Fe, Cr, Mo). Said disclosure anticipates the subject-matter of present claim 1.
- 4.5 D5, however, discloses liquid products, that are clearly outside the scope of the present claim (see also examples of D5).

Inventive step

- 5 The subject-matter of present claims 1-21 and of claim 29 does not involve an inventive step. The preferred features claimed in the depending claims are trivial and do not contribute to the solution of the objective technical problem.
- 6 The subject-matter of independent second medical use claim 22 and of the thereof depending claims 23-28 (see also item V 1.2 of the present IPER) does not fulfill the requirements of Art.33(3) PCT.
- 6.1 It is known from the prior art to add viscosity increasing agents to foods to assist dysphagia patients with swallowing (p.2 I.1-5 of the present application).
- 6.2 The objective technical problem is regarded to be to provide an alternative nutritional formulation for dysphagia patients.
- 6.3 It is known from D1-D4 that whey protein is nutrient, efficient viscosity increasing agent. The selection of whey protein is considered to be completely arbitrary, as no unknown or unexpected effect or contribution to the solution of the objective technical problem is linked to the use of whey protein instead of any other viscosity modifying agent. The use of a carbohydrate source, minerals and vitamins for the preparation of a nutritional compound is considered to be trivial to the man skilled in the art.
- 6.4 Additionally, the preferred features claimed in the depending claims are obvious to the man skilled in the art and they do not contribute to the solution of the objective technical problem.

Re Item VII

Certain defects in the international application

- 1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D2 is not mentioned in the description, nor are these documents identified therein.
- 2 The unit of measure "kcal" (throughout the description and the claims) is not additionally expressed in "KJ". The unit of measure "cp" (throughout the description and the claims) is not additionally expressed in "mPas" or "Pas" (R.10.1a) PCT).

Re Item VIII

Certain observations on the international application

- 1 For reasons of clarity the attention of the Applicant is drawn to the following (Art.6 PCT).
 - 1.1 Claims 5, 12 and 16 as internationally filed are unclear. The temperature at which the viscosity is measured is nowhere disclosed in the application.
 - 1.2 The expression "about" used throughout the description and especially throughout the claims is regarded to be vague (see also PCT IPE Guidelines III-4.5a).
 - 1.3 The expression "1000 calories" (claims 3, 10 and 17 and description as internationally filed) is interpreted as "1000 kcal" (see also item VII 2 of the present IPER).

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

To:

LOCK, Graham
55, avenue Nestlé
CH-1800 Vevey
SWITZERLAND

18 OCT. 2000
✓

Date of mailing
(day/month/year)

10. 10. 2000 ✓

Applicant's or agent's file reference

NO 6622/WO

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/EP 00/06362

International filing date
(day/month/year)

05/07/2000

Applicant

SOCIETE DES PRODUITS NESTLE S.A.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Emmanuel Cherqui

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged"
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NO 6622/WO		FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 00/06362		International filing date (day/month/year) 05/07/2000	(Earliest) Priority Date (day/month/year) 06/07/1999
Applicant SOCIETE DES PRODUITS NESTLE S.A.			

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).
3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

- ☐ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.
- ☐ None of the figures.

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 22-29
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.1

Although claims 22-29 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition. ✓

Continuation of Box I.1

Claims Nos.: 22-29

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

OK
6/24.10.00

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/06362

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23J3/08 A23L1/187 A23L1/305 A23L1/30

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23J A23L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, FSTA

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 371 659 A (SANWA CHEMICAL LABORATORY) 6 June 1990 (1990-06-06) claims 1,5 page 3, line 14 - line 20 examples 1,2; tables 1,2	1-3,9, 10,16, 17, 22-24,29
X	US 4 720 390 A (BÄCHLER ET AL.) 19 January 1988 (1988-01-19) claims 1,2,6,7,17,18,24 column 2, line 51 - column 3, line 4 column 4, line 10 - line 31 examples 9,10	1,2,8,9, 15, 21-23,29
	-/-	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
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Date of the actual completion of the international search

2 October 2000

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10. 10. 2000

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